



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.2043 and 2624 of 2018
and Crl.M.P.Nos.5802, 770, 769, 5795, 1085 & 1086 of 2018

Mala Agarwal	... Petitioner/Accused-1 in Crl.O.P.No.2043 of 2018
Suraj Rai	... Petitioner/Accused-2 in Crl.O.P.No.2624 of 2018

Vs.

Rajiv Agarwal S/o.Late R.G.Agarwal	... Respondent in both Crl.O.P.Nos.
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Prayer: These petitions have been filed under Section 482 of Cr.P.C., seeking to call for records in C.C.No.588 of 2017, pending on the file of the learned Judicial Magistrate, Alandur, and quash the same. (In both O.P.'s)

FOR BOTH CRL.O.P.NOS

For Petitioner : Mr.P.V.Balasubramaniam

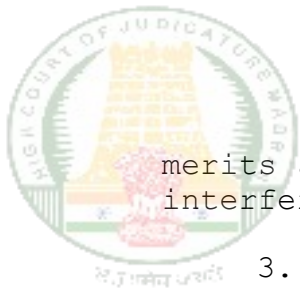
For Respondent : M/s.R.Amizhthu

ORDER

(The Case has been heard through Video Conference)

These petitions have been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 494 and 495 r/w Section 109 of IPC.

2. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own



merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, these Criminal Original Petitions are disposed of with a direction to the Court below to complete the proceedings in CC No.588 of 2017 within a period of three months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cr1) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gbi

To

1. The Judicial Magistrate,
Alandur.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Cr1.O.P.Nos.2043 and 2624 of 2018

GPL(CO)
CT/19/07/2021